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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 SONOS, INC.,

17
18 Plaintiff,

19 vs.

20
21 GOOGLE LLC,

22 Defendant.

Case No. 3:20-cv-06754-WHA

Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF JOCELYN MA IN
SUPPORT OF GOOGLE LLC'S
OPPOSITION TO SONOS, INC.'S
MOTION FOR INJUNCTIVE RELIEF**

I, Jocelyn Ma, declare and state as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP representing Google LLC ("Google") in this matter. I make this declaration in support of Google's Opposition to Sonos, Inc's Motion for Injunctive Relief (Dkt. 820). If called as a witness, I could and would testify competently to the information contained herein.

2. Below is a reproduction of Figure 13-S from the Opening Expert Report of Sonos's damages expert, Mr. James Malackowski, which summarizes the number of units of each accused product sold from the start of the damages period through Q3 2022. As Figure 13-S shows, the total number of infringing units sold in this period was 14,133,558.

Figure 13-S: '885 Accused Instrumentalities Units²³¹

Device Name	Nov. 24 - Dec. 31		Q2 2021	Q3 2021	Q4 2021	Q1 2022	Q2 2022	Q3 2022	Total
	Q4 2020	Q1 2021							
Google Home	28	32	36	56	1,731	1,248	4	-	3,135
Google Home Max	12,811	1,251	180	361	692	-	(183)	-	15,112
Google Home Mini	50,384	23,189	14,716	45,582	97,027	11	100	-	231,009
Google Home Hub	175,967	22,235	39,103	16,440	14,282	-	(376)	-	267,651
Google Nest Mini	622,122	292,178	180,957	302,596	525,631	123,947	111,455	197,021	2,355,907
Google Nest Hub Max	39,353	29,927	39,707	66,584	92,797	47,018	52,285	66,437	434,108
Chromecast	507,131	810,845	679,767	676,876	1,277,708	203,394	307,859	213,645	4,677,225
Chromecast Ultra	6,282	(15)	435	15	5,841	-	2	-	12,560
Chromecast Audio	-	-	-	-	1,069	-	-	-	1,069
Chromecast + Google TV	379,682	349,520	471,224	522,520	724,127	317,221	554,883	401,088	3,720,265
Google Nest Wifi	131,737	193,409	273,414	219,371	417,885	183,993	142,371	144,560	1,706,740
Google Nest Audio	85,582	45,468	43,267	58,253	170,791	35,217	47,667	35,585	521,830
Chromecast with Google TV (HD)	-	-	-	-	-	-	-	186,946	186,946
Total Units	2,011,080	1,768,039	1,742,806	1,908,654	3,329,581	912,049	1,216,067	1,245,282	14,133,558

3. Based on the data shown in Figure 13-S, I summed the number of Google Home Mini, Google Nest Mini, Chromecast, Chromecast Audio, Chromecast + Google TV, and Chromecast with Google TV (HD) devices sold during this period for a total of **11,172,421** units. This constitutes approximately **79%** of the total infringing units sold.

4. Based on the data shown in Figure 13-S, I summed the number of Chromecast, Chromecast Ultra, Chromecast + Google TV, and Chromecast with Google TV (HD) devices sold during this period for a total of **8,596,996** units. This constitutes approximately **61%** of the total infringing units sold. The number of other products totaled to **5,536,561**.

5. Based on the data shown in Figure 13-S, I summed the number of Google Home Hub, Google Nest Hub Max, and Google Nest Audio devices sold during this period for a total of

1 2,408,499. This constitutes 43.5% of the 5,536,562 other devices sold that were not Chromecast,
2 Chromecast Ultra, Chromecast + Google TV, or Chromecast with Google TV (HD) devices.

3 6. Attached as Exhibit 1 is a true and correct copy of an article from Geek Wire entitled
4 “Amazon maintains big lead over Google and Apple in U.S. smart speaker market, new study says,”
5 available at [https://www.geekwire.com/2021/amazon-maintains-big-lead-google-apple-u-s-smart-](https://www.geekwire.com/2021/amazon-maintains-big-lead-google-apple-u-s-smart-speaker-market-new-study-says/)
6 [speaker-market-new-study-says/](https://www.geekwire.com/2021/amazon-maintains-big-lead-google-apple-u-s-smart-speaker-market-new-study-says/).

7 7. Attached as Exhibit 2 is a true and correct copy of excerpts from the Rebuttal Expert
8 Report Regarding Damages of W. Christopher Bakewell, dated January 13, 2023.

9 8. Attached as Exhibit 3 is a true and correct copy of an article from Forbes entitled
10 “Google's Chromecast A Brilliant Play For The Living Room -- Especially With \$35 Price Tag,”
11 available at [https://www.forbes.com/sites/jasonevangelho/2013/07/24/googles-chromecast-a-brilliant-](https://www.forbes.com/sites/jasonevangelho/2013/07/24/googles-chromecast-a-brilliant-play-for-the-living-room-especially-with-35-price-tag/?sh=1e6f07116f13)
12 [play-for-the-living-room-especially-with-35-price-tag/?sh=1e6f07116f13](https://www.forbes.com/sites/jasonevangelho/2013/07/24/googles-chromecast-a-brilliant-play-for-the-living-room-especially-with-35-price-tag/?sh=1e6f07116f13).

13 9. Attached as Exhibit 4 is a true and correct copy of an article from Android Guys
14 entitled “Chromecast (2nd gen) review: a worthy upgrade?,” available at
15 [https://www.androidguys.com/reviews/accessory-reviews/chromecast-2nd-gen-review-a-worthy-](https://www.androidguys.com/reviews/accessory-reviews/chromecast-2nd-gen-review-a-worthy-upgrade/)
16 [upgrade/](https://www.androidguys.com/reviews/accessory-reviews/chromecast-2nd-gen-review-a-worthy-upgrade/).

17 10. Attached as Exhibit 5 is a true and correct copy of an article from Tom's Guide entitled
18 “Google Chromecast (3rd Generation) review,” available at [https://www.tomsguide.com/us/google-](https://www.tomsguide.com/us/google-chromecast-3rd-generation,review-5843.html)
19 [chromecast-3rd-generation,review-5843.html](https://www.tomsguide.com/us/google-chromecast-3rd-generation,review-5843.html).

20 11. Attached as Exhibit 6 is a true and correct copy of an article from PCMag entitled
21 Google Chromecast Audio Review, available at [https://www.pcmag.com/reviews/google-chromecast-](https://www.pcmag.com/reviews/google-chromecast-audio)
22 [audio](https://www.pcmag.com/reviews/google-chromecast-audio).

23 12. Attached as Exhibit 7 is a true and correct copy of an article from Make Use Of entitled
24 “Google Home Mini v. Google Nest Mini: What Are the Differences?,” available at
25 <https://www.makeuseof.com/google-home-mini-nest-mini/>.

26 13. Attached as Exhibit 8 is a true and copy of an excerpt of the deposition testimony of
27 Tomer Shekel.

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ATTESTATION

I, Sean Pak, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1, I hereby attest that Jocelyn Ma has concurred in the aforementioned filing.

DATED: June 29, 2023

/s/ Sean Pak

Sean Pak